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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/239,020	01/29/1999	HIDEKAZU SHIMOMURA	35.C13298	5586

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FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

WORKU, NEGUSSIE

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 03/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/239,020

Applicant(s)

SHIMOMURA ET AL.

Examiner

Negussie Worku

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 10-18 is/are rejected.
- 7) ☒ Claim(s) 2-9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s): _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

JEROME GRANT II
PRIMARY EXAMINER

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DETAILED ACTION

1. Applicant's arguments with respect to claims 1 and 10-18, have been considered but are moot in view of the new ground(s) of rejection and office action is final.


Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-12 are

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3. ~~Claim 1~~¹ is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular "first optical means inserted in optical path between the object and said imaging means for temporarily imaging the object in a sub-scanning direction in said second optical path" specifically "first optical means" is not specific enough to what or which element of the optical means applicant regard as invention. First optical means can be any one of optical elements, as it is well known to a one skilled in the art.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 10-18, are rejected under 35 U.S.C. 102(b) as being anticipated by Fujimoto (USP 5,481,381).

With respect to claim 1, Fujimoto discloses a color image reading apparatus (as shown in fig 1B), comprising: light-receiving means (line sensor 4 of fig 1B), formed by a plurality of line sensor (8, 9 and 10 of fig 1B, see col.3, lines 40-45), imaging means (lens 2 of fig 1B), for providing a light beam image of an object (1 of fig 1B): color separation means (3 of fig 1B), inserted in a first optical path between said imaging means (4 of fig 1B), for color separating said scanning light beam into a plurality of color light beams, see (col.3, lines 29-34); first optical means (mirror 102 of fig 1B), inserted in a second optical path (sub-scan direction, as shown in fig 1B), between the object (1 of fig 1B), and said imaging means (2 of fig 1B), for temporarily imaging the object in a sub-scan direction in said second optical path, see (col.3, lines 20-23).

With respect to claim 10, Fujimoto discloses an apparatus wherein said color-separation means (color separation 3 of fig 1B), separates an incoming light beam (light from light source 104 through mirror 102 of fig 1B) into three color light beams, (as shown in fig 1B) in a direction perpendicular to a line-up direction of pixels of said line sensors (104 of fig 1B).

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With respect to claim 11, Fujimoto discloses the an apparatus according (as shown in claim 1B), further comprising first, second, and third mirrors (mirrors 31, 102 and 1b) inserted in the optical path between the object (1 of fig 1B) and said imaging means, (4 of fig 1B) and wherein said first cylinder means (2 of fig 1b) comprises at least two cylindrical lenses, (cylinder lens 2 has two parts on the left and right side), and a slit (104 of fig 1b), is placed at or near a position where the cylindrical lens (2 of fig 1B) placed on the object side temporarily images the object (1 of fig 1b).

With respect to claim 12, Fujimoto discloses an apparatus (as shown in fig 1B and 2), wherein the cylindrical lens (2 of fig 1b) placed on the object side has a positive refractive power, and is placed near the object (1 of fig 1B).

With respect to claim 13, Fujimoto discloses an apparatus (as shown in fig 1B), wherein the cylindrical lens (2 of fig 1B) placed on the object side has a positive refractive power, and is inserted between said first and second mirrors (between 102 and 31 of fig 1B).

With respect to claim 14, Fujimoto discloses an apparatus (as shown in fig 1B), wherein said slit (104 of fig 1B) and second mirror (mirror 102 and slit 15 of fig 1b) are integrated.

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With respect to claim 15, discloses an apparatus (as shown in fig 1B), wherein the cylindrical lenses (2 of fig 1b) placed on the side of said imaging means (4 of fig 1B), has a positive refractive power, and is placed in the vicinity of said imaging means (4 of fig 1b).

With respect to claim 16, Fujimoto discloses an apparatus (as shown in fig 1B), wherein said second (102 of fig 1B) and third mirrors construct an inverted-V-shaped mirror unit.

With respect to claim 17, Fujimoto discloses an apparatus (as shown in fig 1B), wherein said color-separation means, (3 of fig 1b) comprises a transmission or reflection diffraction grating, see (col.3, line 28-30).

With respect to claim 18, Fujimoto discloses an apparatus (as shown in fig 1B), wherein said color-separation means (3 of fig 1), comprises a dichroic prism or dichroic mirror, see (col.3, lines 28-30).

Objected Subject Matter

5. Claim 2-9, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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With respect to claim 2-9, the prior art does not show or disclose the line spacing correction means for correcting deviations of imaging positions on a surface of said light-receiving means caused by different wavelengths of the color light beams.

Response to Arguments

6. Applicant's arguments filed January 29, 2003 have been fully considered but are not found persuasive.

With regard to the rejection based on cited prior art, applicant argues that prior art's teaching does not satisfy "first optical means inserted in optical path between the object and said imaging means for temporarily imaging the object in a sub-scanning direction in said second optical path".

Examiner respectfully disagree, because Fujimoto discloses first optical means, (optical means can be any one of optical elements, lens 2, mirror 102 or sensor 4 of fig 1B, any one of these can be as first optical means) inserted in optical path between the object (original 1 of fig 102), and said imaging means, (image sensor 103 of fig 1), for temporarily imaging the object in a sub-scanning direction in said second optical path (sub-scan 103 of fig 1B, as second optical path).

Therefore, the function and disposition of the sensor in Fujimoto disclose and suggest the limitation of "first optical means" as it is broadly claimed.

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7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communication from Examiner should be directed to whose telephone number is (703) 305 5441. The Examiner can normally be reached on M-F, 9 am - 6 pm if attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, David Moore, can be reached on (703) 308-7452.


The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314, and any inquiry of general nature or relating to the status

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of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


Negussie Worku
03/04/03


JEROME GRANT II
PRIMARY EXAMINER